

**To:** McWhirter, Lisa[McWhirter.Lisa@epa.gov]; Green, Holly[Green.Holly@epa.gov]; Chin, Lucita[Chin.Lucita@epa.gov]; Boomgaard, Craig[Boomgaard.Craig@epa.gov]  
**From:** Bergman, Ronald  
**Sent:** Thur 9/19/2013 6:46:13 PM  
**Subject:** ND

Craig and Lucita,

I think Lucita's proposed language looks fine.

Ron Bergman

Chief, Prevention Branch

EPA, Office of Ground Water and Drinking Water

**From:** McWhirter, Lisa  
**Sent:** Thursday, September 19, 2013 2:09 PM  
**To:** Bergman, Ronald; Green, Holly  
**Subject:** FW:

Final issue with the MOA between ND and R8 and addresses Bob Vanvorhees comments. I am okay with the proposed changes by Lucita as long as she feels we are protected. Region 8 would like your approval before going back to ND.

Once the MOA between ND and R8 is finalized, I will update the primacy manual to reflect these changes.

Thanks,

Lisa

**From:** Chin, Lucita

**Sent:** Wednesday, September 18, 2013 4:10 PM  
**To:** Boomgaard, Craig; McWhirter, Lisa  
**Subject:**

Here is my proposal for the current MOA dispute. Lisa – does the HQ program have any concerns with us tinkering with the MOA language in this way? Note that we've removed current federal policies and regulations. My take on it is that as long as SDWA and the regs under them are in there, we are covered. Federal policies are kind of captured by us referring to the regs, since we are the ones interpreting them. – Lucita

The Commission shall administer the North Dakota Class VI UIC program consistent with the State's submission for program approval, this MOA, the SDWA, ~~promulgated minimum federal requirements promulgated pursuant to the SDWA\*, State and federal laws and regulations~~, and any separate working agreements which shall be entered into with the Regional Administrator in concurrence by the Commission as necessary for the full administration of the Class VI UIC program.

\*fn. – nothing in this MOA precludes the state from adopting or enforcing requirements which are more stringent or more extensive than those required under this part, and if the state program has a greater scope of coverage than required by Federal law, the additional coverage is not part of the federally approved program. See 40 CFR section 145.1(g).

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Lucita Chin

Associate Regional Counsel

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